

February 16, 2016
Antelope County Board
Neligh, Nebraska

The Antelope County Board of Supervisors convened in special regular session on Tuesday, February 16, 2016 at 9:06 AM in the County Supervisor's Room, Antelope County Courthouse Annex, Neligh, Nebraska. This meeting had been postponed from Tuesday, February 2, 2016 due to weather conditions. The agenda had not been changed, except a few items had carried over from February 9th, 2016 meeting. Meeting was called to order by Chairman Schwager, with the following board members responding to roll call: Schindler, Koinzan, Williby, Henery, Bolling, and Schwager. Kerkman absent. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisors' room with more copies available at the County Clerk's Office.

Notice of the meeting was given in advance thereof by publication in the four county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk's office. Agenda for said meeting was sent to all members of the County Board of Supervisors.

Approved three (3) underground electric line permits for Frank Morrison Farms. The first will be under 518th Avenue, the second under 860th Road, the third under 857th Road, all are to provide electric service to wells. Crossing will be under 518th Avenue, 860th Road and 857th Road respectively. Under 518th Avenue they will be crossing gravel road 518th Avenue between Sections 8 and 9; under gravel road 860 between Section 28 and 21; and under gravel road 857 between Sections 8 and 5. Purpose is to place a permanent electric line. Seier Electric will be doing the work. All work to be done according to state and county specs. Owner is Frank C Morrison, there is no tenant listed. Motion was made by Williby, seconded by Bolling to approve all three (3) applications as submitted. Voting aye: Schindler, Williby, Bolling, Henery, Koinzan and Schwager. Kerkman absent. Nays none. Motion carried.

Approved four (4) underground electric line permits for Dwight Morrison Farms. The lines will be used to provide electric service to wells. The first line will be under 856th Road, and will be crossing between Sections 9 and 16; the second will be under 522nd Avenue and between 18-27-6 and 13-27-7; the third will be under 522nd Avenue between 18-27-6 and 13-27-7; the fourth line will be under 520th Avenue between 34 and 35, all are gravel roads. The purpose is to provide electric service to wells. Dwight Morrison Properties LLC is Tenant; owners are Caroline Jaeke, Bernie Hughes LLC, Bernie Hughes LLC, Dwight Morrison respectfully. Purpose is to place a permanent electric line, Seier Electric will be doing work. All work to be done according to state and county specs. Motion was made by Henery, seconded by Schindler to approve all four (4) applications as submitted. Voting aye: Schindler, Williby, Bolling, Henery, Koinzan and Schwager. Kerkman absent. Nays none. Motion carried.

Approved an underground permit submitted by Charles Beckman to place an electric line under 860th Road to service electricity to well. Crossing will be under 860th Road in the NE¼ of Section 30, Township 27, Range 7. Charles Beckman is owner. Seier Electric will be doing the work. All work to be done according to state and county specs. Motion was made by Henery, and seconded by Williby. Voting aye: Henery, Schindler, Williby, Koinzan, Bolling and Schwager. Kerkman absent. Nays none. Motion carried.

Correspondence was reviewed: email Nebraska Department of Roads and SRF Consulting statewide transit mobility management project; email regarding LB188 regarding innocent third party; Nebraska State Historical Society, regarding Neligh Mill State Historic Site; Letter from NIRMA regarding Law Enforcement and Corrections Seminar Series; NPZA 2016 Annual Planning Conference.

Motion by Henery, seconded by Bolling to approve Brunswick State Bank, Bank of Elgin, Bank of Orchard, the Tilden Bank, Pinnacle Bank, Neligh and Heritage Bank, Neligh as county depositories for 2016. Those voting aye: Henery, Schindler, Bolling, Koinzan, Williby and Schwager. Nays none. Kerkman absent. Motion carried.

2016 Motor Grader Payment for District 4 was discussed during February 9th, 2016 meetings. Half down was approved and paid during the February 9, 2016 meeting, and the remainder will be paid in yearly installments, ending in September 2018. No action taken.

A recent claim by Snider Memorial Funeral Home for \$3,800.00 was submitted for an indigent burial. According to Antelope County Policy, County Burials are paid at \$2,000.00. Claim was approved for that amount. Clerk is to send letter with check explaining same. No action.

Libby Slack, Antelope County Extension Educator met with the Board regarding vacancies on the Extension Board. Libby and the Extension Office recommended Sandy Moser of Clearwater, a current active 4-H Leader, and LuAnn Bartos, a volunteer who requested to be on the board. Motion by Supervisor Henery, seconded by Supervisor Williby to accept and appoint the nominations of Sandy Moser and LuAnn Bartos to Antelope County Extension Board. Voting aye: Henery, Williby, Schindler, Koinzan, Bolling and Schwager. Nays none. Kerkman absent. Motion carried.

Supervisor Bolling discussed with the board the possible need for a portable welder. The county owned a portable welder, and it was reported to have been sold on auction. The County would need to have a certified welder to enable the usability and to repair bridge as needed. Road Boss, Casey Dittrich has investigated the purchasing of the item. They would range in price from \$3580.00 to \$4372.00 plus a \$600.00 cable purchase. Currently the county has one employee who is certified to use the welder, and chooses not to for the county. Casey requested until March 1, 2016 meeting to investigate further, and make a more informed decision of the equipment. He also suggested opening the welding position to any employee who would want to take the training. The Board and Casey, discussed the need to increase the pay for the employee while he is doing the welding. It would be paid at a comparable agreed upon wage. Tabled discussions until March 1, 2016 meeting.

Road Boss, Casey Dittrich gave his Road and Bridge Report: On Friday, February 12, 2016 an incident occurred with county equipment and a pickup. The pickup was a total loss, after hitting Antelope County Equipment, a pay loader CAT 950, 1996. Our employee was attempting to remove snow, and the pickup came over a hill and hit the equipment. There was damage to the Grader, and it is being estimated this morning. Casey will meet with Nationwide, the pickup drivers insurance. No injuries occurred.

Casey reported 15 units currently in Antelope County Fleet have poor to no maintenance records. As discussed in an earlier meeting, all vehicles will have a maintenance log in them and will be kept current. There are eight in the fleet now that will be done in the next couple of weeks. The maintenance catchup should be about \$500.00 to \$600.00 each. Mr. Dittrich is estimating a total of \$6000.00 to \$8000.00 to get the fleet maintenance current.

Mr. Dittrich also reported on posting a help wanted in the paper. He will interview and refer the top three to the supervisors to evaluate. There is one employee in the Oakdale barn that plans on retiring this spring.

Supervisor Bolling asked about the GPS device the County owned for locating bridges etc. The supervisors did not know where it was. Casey Dittrich will ask for its location.

Casey reported he would be taking the highway superintendent refresher and test March 2nd – 4th.

9:30 AM Trailer bids were open. Three bids were received. Casey Dittrich opened the following bids:
boards. \$45,000.00 and \$1500.00 freight.

Road Master or Charles Blass Welding: no options \$48,100.00

ITM or Iowa Trailer Manufacturing (Storm Lake, Iowa) \$49,895.98

All trailer bids had a third air axle. Casey requested time to compare look at and compare all trailers. Discussion followed. Motion was made by Williby, seconded by Koinzan to table and postpone decision until trailers could be examined and a more informed decision could be made. Voting aye: Williby, Koinzan, Bolling, Schindler, and Schwager. Charlie out of room. Kerkman absent. Nays none. Motion carried.

9:45 AM Supervisor Bolling left meeting for a doctor's appointment.

Road Boss went on to discuss Transportation Innovation. This is a bill in state legislature, LB960 and runs through 2019, funds four (4) line highways, and possible matching funds for counties. Casey will discuss with Brian McDonald, Highway Superintendent. Supervisor Schwager suggested hiring Part-time help to assist Jerry Finkral in grinding this summer. No further action. Casey also discussed the time clocks and lunch break policy. He reminded the supervisors, as he has the road crew; no overtime will be paid until the employee has worked over 40 hours, actually worked the 40 hour, and then worked any more hours. Vacation, holiday, or sick pay is never calculated in the overtime pay hours. He reminded the employees of clocking in and out every time. Discussion of Timeclocks and the reporting and usage. Mr. Dittrich reported he believed the time clocks benefitted most of the employees and they seemed to be happy as to how hours are calculated. Recently, Casey Dlttrich has been working with the Clerk, Pam Bourne and Joe Abler regarding policy of the Time Clocks. The policy was written, and read during the meeting. Motion was made by Koinzan, seconded by Williby to accept the resolution as read. Voting aye: Koinzan, Williby, Schindler, Henery, and Schwager. Bolling and Kerkman absent. Nays none. Motion passed. End of Road Boss report.

Resolution
2016-02-0001
Antelope County, Nebraska

WHEREAS, I it is the intention of the County Board of Supervisors to establish a policy to ensure proper and accurate work hours are recorded; and

WHEREAS, Time Clocks where recently installed and placed in the work areas for the recordation of such work time; and

WHEREAS, to establish a policy to ensure all employee time and attendance is properly recorded and paid.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Antelope County, Nebraska, to adopt the Time and Attendance policy as set forth.

To ensure that accurate records are kept of the hours you actually work (including overtime hours where applicable), all nonexempt hourly employees are required to record their time on the County’s time clocks. You must clock in before beginning work, clock out at the beginning of your lunch break, clock in upon returning from lunch, and clock out after finishing your work shift. All time worked must be included. No employee is permitted to work “off the clock”, that is, work without recording the hours worked. No supervisor is permitted to ask any employee to work off the clock.

Unless you are working overtime, you should not punch in more than ten (10) minutes before your regular starting time or end work more than ten (10) minutes after your regular shift/quitting time, except at the request of your supervisor.

If you make an error in using the time clock, please notify your department head, who will take the steps necessary to correct the error. In addition, if you accidentally record time for another employee instead of for yourself, notify your department head immediately. Falsifying a time record or recording time for another employee at the time clock without notifying your department head will lead to discipline, up to and including discharge. Discipline, up to an including discharge, may also result if an employee makes excessive errors in clocking in and/or out after being trained how to do so correctly by your supervisor, or repeatedly forgetting, failing or refusing to use the time clock.

Per Nebraska statute 48-212, any person, firm, or corporation owning or operating an assembling plant, workshop, or mechanical establishment employing one or more persons shall allow all of their employees not less than thirty consecutive minutes for lunch in each eight-hour shift, and during such time it shall be unlawful for any such employer to require such employee or employees to remain in buildings or on the premises where their labor is performed. If it is appropriate for you to work through lunch, and you choose to forgo your allowed lunch break, you must notify your department head before doing so. One paid break may be approved by department head, not to exceed 20 minutes in length. Improper use of said paid break, or failure to notify department head will lead to discipline, up to and including discharge.

Nebraska law does not include a provision for the payment of overtime. Overtime wages can be claimed under the Nebraska Wage Payment and Collection Act only if those overtime wages were previously agreed to by the employer and the employee. Nonetheless, even in the absence of a previous agreement concerning overtime compensation, compensation for overtime can be claimed under the federal Fair Labor Standards Act for “hours worked” in excess of 40 during a given week. “Hours worked” is classified as hours spent on the clock, performing duties. Overtime will not be awarded when vacation/holiday hours are used, unless actual “hours worked” are in excess of 40 during that week.

In the event overtime hours are required on a holiday, employees will be awarded 1.5 times their normal wage for those hours worked. The holiday pay will be awarded at the employee’s normal rate.

Adopted this 16th day of February, 2016, at Neligh, Nebraska.

BOARD OF SUPERVISORS OF ANTELOPE COUNTY, NEBRASKA

ATTEST: _____
Jerald Schwager, Chairman

_____/s/ Lisa Payne_____
Lisa Payne, Clerk

Supervisor __Koinzan____
Moved the adoption of said Resolution.
Roll Call: _5__ Yea __0__ Nay Bolling and Kerkman Absent.
Resolution adopted, signed and billed as adopted.

Supervisor Konizan discussed purchasing property in Oakdale. There is property on the foreclosure list that lies north of the Oakdale County Barn, and Mr. Koinzan was inquiring about the feasibility of obtaining that property. However, Joe Abler, county Attorney, did not recommend try to procure the property at this time. All foreclosures are at a standstill at this point. No further action.

Tiles in old courthouse. There are tiles coming lose in the hallway of the old courthouse. When it is scrubbed and polished more tiles are coming lose. It was recommended the Building Committee take a look and make recommendations.

Barb Finn was going to discuss with the supervisors the need to make the County Court Office a more safe office. She is still gathering information, and asked to be postponed.

Corey Furstenau was on the agenda regarding Wind Turbines. He reported no report.

Greg Koinzan discussed the Decibel reading as discussed in last week’s meeting. Since the county has received three (3) written formal complaints, action must be taken. Char received 2 more this morning; she gave copies to the board. Supervisor Koinzan said he has asked Invenery, Char and the Wilcox’ and Gary Borer, to sit down and figure out a plan as to what and how to proceed at this point. All parties are in agreement to do this. Char, Antelope County Zoning Administrator would like to hire a non-interested third party to complete a sound study. She has contacted numerous sound evaluators and has only one interested party at this time. She is waiting for further response. Invenergy representative John Majewski, Director, Asset Management submitted a proposal from Hankard Environmental to do a noise study at Invenergy sole expense. To evaluate if the 50 dBA condition set by the Zoning Regulations is being met. There was opposition from both Char and some of the public, because Hankard Environmental was the company who did the pre-construction noise workup. They do not feel this would be an unbiased test. Invenergy said this would be peer reviewable. Invenergy reported this study is an eight week study, and has a robust procedure/process. They have no preference of whom, but they want it to be the right study and comprehensive report. County Attorney, Joe Abler asked Char to do some networking if they do not want to who Invenergy has hired. Larry Pelster of rural Elgin reported sound differentials with the noise from a low hum to a jet engine, depending on the weather and conditions of the day. Discussion continued. The board recommended the complaints, Invenergy, and Char (Antelope County Zoning) sit down and discuss and try to figure out if there is a solution, and try to find a solution. Motion was made by Supervisor Henery, seconded by Supervisor Schindler, for Char, Antelope County Zoning, to look at other Aucostics and Vibriation Analysis to see if there is any interested in doing the study and participate with Antelope County in preparing a complete sound analysis. Results are to be

presented at the March 1, 2016 supervisor meeting. Voting aye: Henery, Bolling, Schindler, Willibiy, Koinzan, and Schwager. Kerkman absent. Nays none. Motion passed.

10:45 AM Supervisor Bolling returned.

Discussion held on ice pieces being thrown from the blades of the wind towers during icy conditions. Land owners, Judy and Dave Wilcox have expressed concerns of the ice being flown from the tower blades. They are wondering what kind of liability lies on the county. Highway Superintendent, Brian McDonald, Mich _____ Invenergy, and County Attorney, Joe Abler, expressed the liability would land with Invenergy, or the owner of the tower. Invenergy agreed liability lies on them. No further action/discussion.

Minimum maintenance road – Brian and Casey to look at. No action needed by Board.

The One and Six Year Road Program hearing was opened at 11:15 AM with the following board members responding to roll call: Bolling Koinzan, Schindler, Williby, Henery and Schwager. Antelope County Highway Superintendent, Brian McDonald and Casey Dittrich, Road Boss were also present. Corey Furstenau, Galen Furstenau, Brian Frey, Ron Wilkinson, Brian Whitesel,, Ron Mortensen, Joan Wright (NNL). Chairman Schwager stated the reason for the hearing and asked the County Highway Superintendent for his presentation. Mr. McDonald handed out the One and Six Year Road Program for 2016 and reviewed the items that had been added to the One and Six since last year and asked if there were any other projects to add or delete at this time. Highway Superintendent McDonald discussed this hearing was a part of regulations for obtaining the gas tax: new projects have to be on the One and Six year. Maintenance items do not need to be on the One and Six Year Plan. The plans for the second through six years are broke into \$500,000.00 a year. The order they get done is not important, and because they are on does not mean they will get done. 11: 20 AM Supervisor Schwager asked for questions from the Board: Koinzan questioned the bridge on the road going north out of Tilden in District 5. Bridge in Elm Township C-2(329) the plan is to bid that next summer for the following Spring. Let bids to contractors in October 2016 for spring 2017. 11:24 AM Supervisor Schwager asked for Public Comments, people in favor: No response. People opposed. Galen Furstenau from Elm Township – nothing done on county roads. You spent \$50,000.00 to \$100,000.00 to repair a road up north. 4 miles paved- Sanne’s North nothing has been done. The road should not be in the condition it is in. The oil they laid on it two (2) year ago was a joke. It all needs to be done this summer. The bridge is not in good repair either. It needs attention sooner rather than later. In reference to the bridges, what value do they have. The county money needs to prioritize. It is county wide money, not just in one area. Mr. McDonald reported bridges on county line are usually 50/50 between counties. Supervisor Henery-Could we change the signage on the bridge from a single weight to a 3 tier limit? Brian Frey: the main roads-truckers will decrease in next 10 years. Quit making it pretty, lets do what we need to, to keep roads going. We want to keep the roads so they are not dangerous. 11:36 AM Supervisor Schwager asked for any other comments, issues, or testimony? Brian McDonald if the sign on that bridge was changed it was because of new load recommendations. Brian Frey suggests if we raise the taxes by \$1.00 an acre it would create approximately \$500,000.00 a year to fix roads. 11:40 AM Chairman Schwager closed the public portion of the hearing. Motion was made by Supervisor Henery, seconded by Supervisor Bolling to accept adopt and sign the resolution to adopt the One and Six Year Road Program for 2016. Voting aye: Henery, Bolling, Williby, Schindler, Koinzan, and Schwager. Kerkman absent. Nays none. Motion carried. Motion was made by Bolling, seconded by Williby to close the public hearing. Voting aye: Bolling, Williby, Henery, Koinzan, Schindler and Schwager. Kerkman absent. Nays none. Motion carried.

RESOLUTION
Antelope County
2016-02-0002

Be it resolved by the Board of Supervisors for Antelope County, Nebraska, that the One and Six Year County Road Program as prepared by Brian E. McDonald of Norfolk, Nebraska, and attached hereto, be adopted.

BOARD OF SUPERVISORS FOR
ANTELOPE COUNTY, NEBRASKA
_____/s/ Jerald Schwager _____, Chairman

ATTEST: ____/s/ Lisa Payne _____, County Clerk

Passed and approved this _16_ day of _February____, 2016
Motion by Supervisor __Henery_____ Second by Supervisor __Bolling____
That the above Resolution be approved, the Chairman stated the motion and directed the Clerk to call the roll. Roll call resulted as follows: Nays: none
Yea: _Henery, Bolling, Williby, Schindler, Koinzan, Schwager____
The result of the vote being _6_ Yeas and _0_ Nays, the Chairman declared the motion carried. Kerkman Absent.

Back to regular meeting at 11:40 AM.

Entered into Board of Equalization at 11:41 AM.

Approved Permissive Exemptions. Approved Motor Vehicle Exemptions. Approve 7 Tax List Corrections.

Closed Board of Equalization at 11:52 AM. Back to regular meeting.

Chairman Schwager asked if there was any more discussion. No answer.

Motion was made by Supervisor Williby, seconded by Supervisor Henery to adjourn. Voting aye: Williby, Henery, Koinzan, Bolling, Schindler, and Schwager. Kerkman absent. Nays none. Motion carried.

Meeting adjourned at 11:53 AM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: _____
Chairman of the Board, Jerald Schwager

Attest: _____
County Clerk, Lisa Payne